

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRANDON MCFADDEN,

Plaintiff,

vs.

9:09-CV-1415

CHAD FINTON,

Defendant.

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THOMAS J. McAVOY,  
Senior United States District Judge

## DECISION & ORDER

### I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Baxter's Report-Recommendation [dkt. # 64] have been filed, and the time to do so has expired.

### II. DISCUSSION

After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

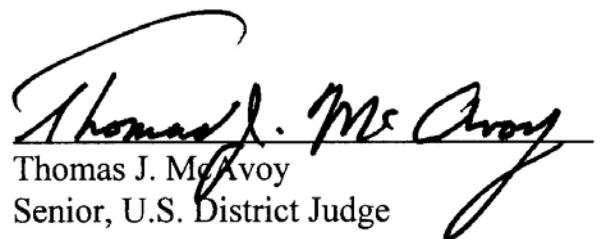
### III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation [dkt. # 64] for the reasons stated therein. Defendants' motion for summary judgment [dkt. # 62] is

**GRANTED**, and the complaint is **DISMISSED IN ITS ENTIRETY**.

**IT IS SO ORDERED.**

**Dated:** June 20, 2014



Thomas J. McAvoy  
Senior, U.S. District Judge